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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

NATIONAL SHOOTING  
SPORTS FOUNDATION, INC.,

Plaintiff,

v.

ROBERT W. FERGUSON,  
Attorney General of the State of  
Washington,

Defendant.

2:23-cv-00113-MKD

DECLARATION OF ERIC M.  
PETERS IN SUPPORT OF  
DEFENDANT'S OPPOSITION  
TO PLAINTIFF'S MOTION  
FOR PRELIMINARY  
INJUNCTION

I, Eric M. Peters, declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein,  
and make this declaration based on my personal knowledge.

2. I am a Senior Investigator in the Consumer Protection Division of  
the Washington State Attorney General's Office. I have over ten years of  
professional investigative experience specializing in Internet-related  
investigations.

1           3.     The webpages attached as exhibits were captured using PageVault,  
2     except when otherwise noted. PageVault is computer software that captures an  
3     image of a website as it appeared on the date of capture. This image is turned into  
4     a PDF (Portable Document Format file). PageVault captures overlap, so some  
5     information may appear to be repeated. This is to ensure that no information is  
6     missing or cut off at page breaks. As part of the capture, the PageVault software  
7     also records information relating to the webpage captured, including webpage  
8     title, capture URL, and the date of the capture.

9           4.     On Thursday, May 18, 2023, I captured a webpage from the  
10    website <https://beretta.com>. The URL of the page I captured was  
11    <https://www.beretta.com/en-us/deals-and-promotions/>. Attached as **Exhibit 1** is  
12    a true and correct copy of the aforementioned web capture.

13          5.     On Thursday, May 18, 2023, I captured a webpage from the  
14    website <https://beretta.com>. The URL of the page I captured was  
15    <https://www.beretta.com/en-us/new-york-gallery/>. Attached as **Exhibit 2** is a  
16    true and correct copy of the aforementioned web capture.

17          6.     On Thursday, May 18, 2023, I captured a webpage from the Internet  
18    Archive (<https://web.archive.org>) which was a cached version of the URL  
19    <https://www.beretta.com/en-us/new-york-gallery/> as it appeared on January 25,  
20    2020. The URL of the page I captured was [http://web.archive.org/web/20200125](http://web.archive.org/web/20200125193052/http://www.beretta.com/en-us/store/new-york-gallery/)  
21    [5193052/http://www.beretta.com/en-us/store/new-york-gallery/](http://web.archive.org/web/20200125193052/http://www.beretta.com/en-us/store/new-york-gallery/). Attached as  
22    **Exhibit 3** is a true and correct copy of the aforementioned web capture.

7. On Thursday, May 18, 2023, I navigated to the dealer locator section of Beretta's website (<https://www.beretta.com/en-us/dealer-locations/>) and captured all fifty-five (55) dealers listed as being located in New York State. At the time of capture these dealers were shown on the following specific URLs:

- <https://www.beretta.com/en-us/dealer-locations/?pg=118>
- <https://www.beretta.com/en-us/dealer-locations/?pg=119>
- <https://www.beretta.com/en-us/dealer-locations/?pg=120>
- <https://www.beretta.com/en-us/dealer-locations/?pg=121>
- <https://www.beretta.com/en-us/dealer-locations/?pg=122>
- <https://www.beretta.com/en-us/dealer-locations/?pg=123>
- <https://www.beretta.com/en-us/dealer-locations/?pg=124>

Attached as **Exhibit 4** is a true and correct copy of the aforementioned web captures.

8. On Thursday, May 18, 2023, I visited Beretta's YouTube Channel, <https://www.youtube.com/@BerettaCommunity>, and accessed a video posted five days earlier entitled *Take a Look at the Features of the New Beretta 80X Cheetah*. The URL of this YouTube video was <https://www.youtube.com/watch?v=uKwUBFvR-40>. I took a screen capture of this page. Attached as **Exhibit 5** is a true and correct copy of the aforementioned web capture.

9. On Thursday, May 18, 2023, I visited Beretta's Twitter account, [https://twitter.com/Beretta\\_USA](https://twitter.com/Beretta_USA), and captured a Tweet posted on May 15, 2023. The URL of this Tweet was [https://twitter.com/Beretta\\_USA/status/165824640](https://twitter.com/Beretta_USA/status/165824640)

1 [2982420481?cxt=HHwWgoCx\\_aqUo4MuAAAA](https://www.facebook.com/BERETTAusa/). Attached as **Exhibit 6** is a  
2 true and correct copy of the aforementioned web capture.

3 10. On Thursday, May 18, 2023, I visited Beretta's Facebook page at  
4 <https://www.facebook.com/BERETTAusa/> and captured seven (7) recent posts  
5 from the page's timeline originally posted on the following dates:

- 6 • April 13, 2023
- 7 • April 19, 2023
- 8 • April 20, 2023
- 9 • April 22, 2023
- 10 • April 24, 2023
- 11 • April 28, 2023
- 12 • April 29, 2023

13 Attached as **Exhibit 7** is a true and correct copy of the aforementioned web  
14 captures.

15 11. On Thursday, May 18, 2023, I visited the website of a New York  
16 State based firearms dealer (<https://sugarbusharmory.com>) and captured the page  
17 displaying the Beretta products available for purchase. The URL of the page I  
18 captured was <https://sugarbusharmory.com/product-manufacturer/beretta-usa>.

19 Attached as **Exhibit 8** is a true and correct copy of the aforementioned web  
20 capture.

21 12. On Thursday, May 18, 2023, I visited the website of a New York  
22 State based firearms dealer (<https://www.timsgunsny.com>) and captured the first

1 page displaying the Beretta handguns available for purchase. The URL of the  
2 page I captured was [https://www.timsgunsny.com/departments/handguns?manuf](https://www.timsgunsny.com/departments/handguns?manufacturer=32&page=1)  
3 [acturer=32&page=1](https://www.timsgunsny.com/departments/handguns?manufacturer=32&page=1). Attached as **Exhibit 9** is a true and correct copy of the  
4 aforementioned web capture.

5 13. On Thursday, May 18, 2023, I visited the website of a New York  
6 State based firearms dealer (<https://www.jthagency.com>) and captured the first  
7 page of “New Shotguns & Rifles.” The URL of the page I captured was  
8 [https://www.jthagency.com/product-category/shotguns-and-rifles/new-](https://www.jthagency.com/product-category/shotguns-and-rifles/new-shotguns-rifles/)  
9 [shotguns-rifles/](https://www.jthagency.com/product-category/shotguns-and-rifles/new-shotguns-rifles/). Attached as **Exhibit 10** is a true and correct copy of the  
10 aforementioned web capture.

11 14. On Thursday, May 18, 2023, I visited the website of a New York  
12 State based firearms dealer (<https://calamityjanesfirearms.com>) and captured  
13 the inventory page. The URL of the page I captured was  
14 <https://calamityjanesfirearms.com/inventory>. Attached as **Exhibit 11** is a true  
15 and correct copy of the aforementioned web capture.

16 15. On Monday, May 22, 2023, I visited the website of a New York  
17 State based firearms dealer (<https://rjw-sales.com>). I captured a page showing all  
18 Beretta handguns available for purchase ([https://rjw-sales.com/departments/](https://rjw-sales.com/departments/handguns?manufacturer=32&page=1)  
19 [handguns?manufacturer=32&page=1](https://rjw-sales.com/departments/handguns?manufacturer=32&page=1)) and a page showing all Beretta shotguns  
20 (<https://rjw-sales.com/departments/shotguns?manufacturer=32&page=1>)  
21 available for purchase. Attached as **Exhibit 12** is a true and correct copy of the  
22 aforementioned web captures.

1           16. On Thursday, May 18, 2023, I visited [https://www.smith-](https://www.smith-wesson.com)  
2 [wesson.com](https://www.smith-wesson.com) and captured the pop-up that appeared on that page. Attached as  
3 **Exhibit 13** is a true and correct copy of the aforementioned web capture.

4           17. On Thursday, May 18, 2023, I visited the “Dealer Locator” page on  
5 the Smith & Wesson website, <https://www.smith-wesson.com>. I searched for  
6 dealers located near Syracuse, NY and captured the results. The URL I captured  
7 was <https://www.smith-wesson.com/dealer-locator>. Attached as **Exhibit 14** is a  
8 true and correct copy of the aforementioned web capture.

9           18. On Thursday, May 18, 2023, I captured a webpage from the  
10 website <https://www.smith-wesson.com>. The URL of the page I captured  
11 was <https://www.smith-wesson.com/customer-service/catalogs>. Attached as  
12 **Exhibit 15** is a true and correct copy of the aforementioned web capture.

13           19. On Monday, May 22, 2023, I downloaded the “2021 Catalog”  
14 from the Smith & Wesson website (<https://smith-wesson.com>), which was  
15 available as a PDF file at the URL [https://www.smith-wesson.com/customer-](https://www.smith-wesson.com/customer-service/catalogs)  
16 [service/catalogs](https://www.smith-wesson.com/customer-service/catalogs). Attached as **Exhibit 16** is a true and correct copy of this  
17 document.

18           20. On Monday, May 22, 2023, I downloaded the “2022 Catalog”  
19 from the Smith & Wesson website (<https://smith-wesson.com>), which was  
20 available as a PDF file at the URL [https://www.smith-wesson.com/customer-](https://www.smith-wesson.com/customer-service/catalogs)  
21 [service/catalogs](https://www.smith-wesson.com/customer-service/catalogs). Attached as **Exhibit 17** is a true and correct copy of this  
22 document.

1           21. On Monday, May 22, 2023, I downloaded the “2023 Catalog”  
2 from the Smith & Wesson website (<https://smith-wesson.com>), which was  
3 available as a PDF file at the URL [https://www.smith-wesson.com/customer-](https://www.smith-wesson.com/customer-service/catalogs)  
4 [service/catalogs](https://www.smith-wesson.com/customer-service/catalogs). Attached as **Exhibit 18** is a true and correct copy of this  
5 document.

6           22. On Thursday, May 18, 2023, I visited Smith & Wesson’s YouTube  
7 Channel located at <https://www.youtube.com/user/SmithWessonCorp>. I captured  
8 this page. Attached as **Exhibit 19** is a true and correct copy of the aforementioned  
9 web capture.

10           23. On Thursday, May 18, 2023, I visited Smith & Wesson’s YouTube  
11 Channel, <https://www.youtube.com/user/SmithWessonCorp>, and navigated to  
12 the “Videos” tab which shows videos uploaded by the account. I took a screen  
13 capture of the most recently uploaded videos on this page. The URL of the  
14 page I captured was <https://www.youtube.com/@SmithAndWessonInc/videos>.  
15 Attached as **Exhibit 20** is a true and correct copy of the aforementioned web  
16 capture.

17           24. On Thursday, May 18, 2023, I visited Smith & Wesson’s YouTube  
18 Channel, <https://www.youtube.com/user/SmithWessonCorp>, and accessed a  
19 video posted two days earlier entitled *NEW: Performance Center®*  
20 *M&P®10MM M2.0™ with 5.6" barrel*. The URL of this YouTube video was  
21 <https://www.youtube.com/watch?v=TorqXfoFDOs>. I took a screen capture of  
22

1 this page. Attached as **Exhibit 21** is a true and correct copy of the aforementioned  
2 web capture.

3 25. On Thursday, May 18, 2023, I visited Smith & Wesson's Facebook  
4 page at <https://www.facebook.com/SmithandWessonInc> and captured five (5)  
5 recent posts from the page's timeline originally posted on the following dates:

- 6 • May 17, 2023
- 7 • May 1, 2023
- 8 • April 22, 2023
- 9 • April 21, 2023
- 10 • April 13, 2023

11 Attached as **Exhibit 22** is a true and correct copy of the aforementioned web  
12 captures.

13 26. On Thursday, May 18, 2023, I visited the website of a New York  
14 State based firearms dealer (<https://www.timsgunsny.com>) and captured the first  
15 page displaying the Smith & Wesson handguns available for purchase. The URL  
16 of the page I captured was [https://www.timsgunsny.com/departments/handguns?](https://www.timsgunsny.com/departments/handguns?manufacturer=308&page=1)  
17 [manufacturer=308&page=1](https://www.timsgunsny.com/departments/handguns?manufacturer=308&page=1). Attached as **Exhibit 23** is a true and correct copy of  
18 the aforementioned web capture.

19 27. On Thursday, May 18, 2023, I visited the website of a New York  
20 State based firearms dealer (<https://ajsarchery.com>) and captured the following  
21 URL: <https://ajsarchery.com/the-gun-shop/brands/smith-wesson/>. Attached as  
22 **Exhibit 24** is a true and correct copy of the aforementioned web capture.



1           28. On Thursday, May 18, 2023, I visited the website of a New York  
2 State based firearms dealer (<https://www.jbars-firearms.com/>). I captured this  
3 page. Attached as **Exhibit 25** is a true and correct copy of the aforementioned  
4 web capture.

5           29. On Monday, May 22, 2023, I visited the website of a New York  
6 State based firearms dealer (<https://louiesgunshop.com>) and navigated to the  
7 “Featured Guns” page. The URL I captured was [https://louiesgunshop.com/feat](https://louiesgunshop.com/featured-guns)  
8 [ured-guns](https://louiesgunshop.com/featured-guns). Attached as **Exhibit 26** is a true and correct copy of the  
9 aforementioned web capture.

10           30. On Monday, May 22, 2023, I visited the website of a New York  
11 State based firearms dealer (<https://louiesgunshop.com>) and navigated to the  
12 “Products” page. The URL I captured was <https://louiesgunshop.com/products>.  
13 Attached as **Exhibit 27** is a true and correct copy of the aforementioned web  
14 capture.

15           31. On Monday, May 22, 2023, I visited the website of a New York  
16 State based firearms dealer (<https://www.butternutcreekarmory.com>). On this  
17 website I navigated to the firearms section and captured the first page of firearms  
18 after first filtering by manufacturers Beretta and Smith & Wesson. The URL of  
19 the page I captured [https://www.butternutcreekarmory.com/firearms?\\_SID=](https://www.butternutcreekarmory.com/firearms?_SID=U&manufacturer%5B0%5D=Beretta&manufacturer%5B1%5D=SWSC%2FSMITH+%26+WESSON+INC)  
20 [U&manufacturer%5B0%5D=Beretta&manufacturer%5B1%5D=SWSC%2FSM](https://www.butternutcreekarmory.com/firearms?_SID=U&manufacturer%5B0%5D=Beretta&manufacturer%5B1%5D=SWSC%2FSMITH+%26+WESSON+INC)  
21 [ITH+%26+WESSON+INC](https://www.butternutcreekarmory.com/firearms?_SID=U&manufacturer%5B0%5D=Beretta&manufacturer%5B1%5D=SWSC%2FSMITH+%26+WESSON+INC). Attached as **Exhibit 28** is a true and correct copy of  
22 the aforementioned web capture.

1           32. On Monday, May 22, 2023, I visited the website of a New York  
2 State based firearms dealer (<https://rjw-sales.com>). I captured a page showing all  
3 Smith & Wesson handguns available for purchase. The URL of that page was  
4 <https://rjw-sales.com/department/handguns?manufacturer=308&page=1>.

5 Attached as **Exhibit 29** is a true and correct copy of the aforementioned web  
6 capture.

7  
8 I declare under penalty of perjury under the laws of the State of  
9 Washington and the United States of America that the foregoing is true and  
10 correct.

11  
12 DATED this 30<sup>TH</sup> day of May, 2023, at TACOMA, Washington.

13  
14 

15 ERIC M. PETERS  
16 AGO Senior Investigator/Analyst  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 1st day of June, 2023, at Olympia, Washington.

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